

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>RICHARD PRATT and LARRY JONES, individually and on behalf of all others similarly situated,</p> <p style="text-align:center">Plaintiffs,</p> <p style="text-align:center">v.</p> <p>KSE SPORTSMAN MEDIA, INC. D/B/A OUTDOOR SPORTSMAN GROUP,</p> <p style="text-align:center">Defendant.</p>	<p>Case No. 21-cv-11404-TLL-PTM Honorable Thomas L. Ludington</p>
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**REPLY DECLARATION OF PHILIP L. FRAIETTA IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL**

I, Philip L. Fraietta, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at Bursor & Fisher, P.A., counsel of record for Plaintiffs in this action. I am an attorney at law licensed to practice in the States of Michigan, New York, New Jersey, and Illinois, and I am a member of the bar of this Court. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I make this Reply Declaration in support of Plaintiffs' Motion to Compel (ECF No. 40).

3. On August 16, 2022, third-party Epsilon Data Management, LLC produced a spreadsheet reflecting extracts of data files that were transmitted to it

on Defendant's behalf during the relevant time period. The extracts are limited to information pertaining to the named Plaintiffs that were included on these data files. A true and correct copy of that spreadsheet is attached hereto as **Exhibit 1**.

4. Plaintiffs understand that Epsilon is in possession of these data files and that they likely contain tens of thousands of Michiganders' Personal Reading Information.

5. Attached hereto as **Exhibit 2** are true and correct copies of Plaintiffs' individual records in Defendant's customer database, bearing Bates stamps PRATT\_KSE\_000396 and PRATT\_KSE\_000397.

6. On August 24, 2022, Plaintiffs' Counsel conducted a meet-and-confer teleconference with Defendant's Counsel and offered to accept production of the customer database and the transmission data in an anonymized format, such that the "CUSTOMER\_ID" field is provided, but the names and addresses associated with those unique customer ID numbers are withheld until after a ruling on class certification.

7. Attached hereto as **Exhibit 3** is a true and correct copy of the Acxiom "extract rule," bearing Bates stamps PRATT\_KSE\_000402.

8. Attached hereto as **Exhibit 4** is a true and correct copy of a contract between Defendant and CDS Global, Inc., bearing Bates stamps PRATT\_KSE\_000264 to 274.

I declare under penalty of perjury that the above and foregoing is true and accurate. Executed August 26, 2022, at New York, New York.

A handwritten signature in blue ink, appearing to read "Philip L. Fraietta", is positioned above a horizontal line.

Philip L. Fraietta

# Exhibit 1

Exhibit 1 - filed under seal

# Exhibit 2

Exhibit 2 - filed under seal



# Exhibit 3

Exhibit 3 - filed under seal

# Exhibit 4

Exhibit 4 - filed under seal